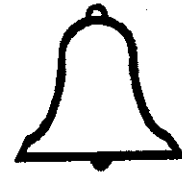


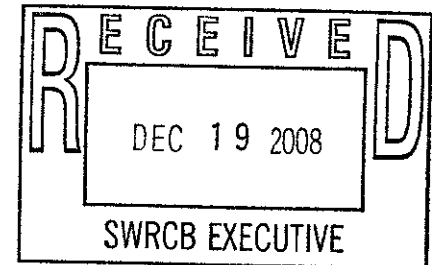
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## Santa Margarita Water District

December 19, 2008

Ms. Jeanine Townsend  
Acting Clerk to the Board  
State Water Resources Control Board  
P. O. Box 100  
Sacramento, CA 95812-0200



Subject: Comment Letter – November 4, 2008 Draft Recycled Water Policy

Dear Ms. Townsend,

Santa Margarita Water District (SMWD) extends its thanks to the State Water Resources Control Board (SWRCB) for the opportunity to provide written comments concerning the revised draft Recycled Water Policy (Draft Policy). For nearly thirty years SMWD has successfully utilized recycled water in the southern portion of Orange County.

SMWD's service area overlies the San Juan Basin, whose waters are subject to State Water Resources Control Board jurisdiction. Ambient water quality due to geological features includes generally high levels of dissolved salts. Consequently, the draft SWRCB policy, which promotes the development of stormwater and dry weather urban water runoff as sustainable long-term water resources, is of particular importance in south Orange County.

The permit-like aspects of the draft policy should be carefully considered; especially the proposed requirement to address dysfunctional sprinklers that use recycled water within 72 hours or before the release of 1,000 gallons. SMWD provides over 200 million gallons of recycled water each month to irrigation sites within its service area. We suggest a best management practices approach to control recycled water site runoff for purposes of promoting the maximization of the beneficial use of the State's waters, including recycled water use in areas where the quality of applied water is equal to or better than ambient water quality and small proportion of applied to ambient water quantity will not improve ambient water quality.

SMWD shares the desire for a better understanding to trace levels of Constituents of Emerging Concern (CEC) in recycled water. We believe, however, it would be a poor use of increasingly scarce public resources to require statewide testing for CECs. The presently speculative nature of CEC science will result in academic, at best, results. SMWD believes CECs are an issue best addressed by the California Department of Public Health when groundwater recharge is an issue and not an appropriate testing requirement for recycled water used for irrigation purposes.

Similarly, the propriety of performing priority pollutant testing twice per year for recycled water is highly questionable and duplicative since most POTW's producing recycled water are mandated to perform priority pollutant testing on the POTW influent and effluent flow streams to meet source control program requirements.

As required by a permit issued by the Region 9 Water Quality Control Board, SMWD has been collecting urban runoff samples for nearly three decades in connection with a successful urban runoff diversion/reuse project which has avoided the importation of thousands of acre-feet of water from the Bay-Delta and Colorado River. The urban runoff supplements SMWD's recycled water resources. This sampling of salt levels for nearly 30 years indicates salt concentrations in streams and subsurface strata have remained stable.

Although urban runoff is apparently categorized as waste by the SWRCB, SMWD is pursuing additional stream and groundwater diversions to utilize this water source that would otherwise flow to the Pacific Ocean. Due to its waste definition, new regulations are now being imposed by the Region 9 Board on a diversion project that is nearly identical to the urban runoff project described above which has been operating for nearly 30 years. These pending requirements will dissuade SMWD from using urban runoff as a supply source to supplement the recycled water system. By comparison, similar stream diversions for agricultural irrigation purposes have few, if any, regulatory limitations. It should also be recognized the proposed new requirements are inconsistent with AB 32 and its implementing provisions due to additional energy usage associated with treatment, thus obviating offsetting environmental/energy benefits associated with reduced importation of water from the Delta and Colorado River.

We strongly urge you to adopt policies which maximize the beneficial use of the State's waters and avoid academic exercises involving theoretical water quality betterments where it has already been proven that decades of recycled water use have not degraded ambient water quality.

If you require additional information please contact me at (949) 459-6590.

Sincerely,

SANTA MARGARITA WATER DISTRICT



Daniel R. Ferons  
Chief Engineer

cc: Tom Rosales - SOCWA  
Jaime Aguilar - SMWD

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